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Amy L. Sherwood

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EXAMINER

BARQADLE, YASIN M

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/025,954

**Applicant(s)**

SHERWOOD, AMY L.

**Examiner**

Yasin M. Barqadle

**Art Unit**

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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**Response to Amendment**

1. Applicant's arguments filed on May 13, 2005 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-45 are presented for examination.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobb (U.S. Patent No 6199102) in view of Katsikas USPN. (6199102).

As per claim 1, Cobb teaches a method for blocking an electronic communication (abstract and fig. 2), the method comprising:

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receiving at least a portion of a first electronic communication, the first electronic communication including a first electronic communication source address and a first electronic communication recipient address (e-mail message from 54 or 201 is received from mail server 52a destined to mail box 56 at mail server 52c col. 6, lines 16-33. see fig. 2 and fig. 5 and corresponding col. 13, lines 1-7);

accessing user electronic communication blocking profile data, the user electronic communication blocking profile data including a plurality of user electronic communication blocking records, each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records including a recipient identifier field to store a recipient identifier and a sender identifier field to store a sender identifier (Blocking list 115 contains sender mail addresses to be blocked based on recipient's profile record col. 7, lines 41-52 and col. 8, lines 14-38);

selecting a first user electronic communication blocking record of plurality of blocking records based at least in part on the first electronic communication source address and the first electronic communication recipient address (one or more mail boxes are accessed and retrieved for

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processing and filtering according to fig. 7 col. 7, lines 41-52 and col. 8, lines 14-38. see col. 15, lines 54-65); and

blocking delivery of the first electronic communication to the first electronic communication recipient address based at least in part on the selected first user electronic communication blocking record (e-mail message is blocked if is determined to be a member of blocking list 115 col. 8, lines 14-38 and col. 16, lines 31-66).

Although Cobb shows substantial features of the claimed invention, including multiple users implementing a filtering enabled email client program (FEECP) containing records of a blocking list (115) and acceptance list (105) where header information (recipient addresses) are examined col. 7, lines 1-52 and col. 12, lines 30 to col. 13, line 7, he does not explicitly show at least two of a plurality of recipient addresses from a record.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Cobb, as evidenced by Katsikas USPN. (6199102).

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In analogous art, Katsikas whose invention is about a spam contro system for blocking unauthorized electronic messages destined to recipients/subscribers, discloses identifying a list of email recipient addresses (one or more), looking up subscriber ASL database and verifying each email recipient address based on who the email is FROM and who it is sent TO (fig. 3B and fig. 5, 502) col. 6, lines 58 to col. 7, line 7 and col. 7, lines 27-51. See also col. 8, lines 41-67. Giving the teaching of Katsikas, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Cobb by employing the spam controlling system of Katsikas so that only authorized senders' emails are permitted to reach intended recipients based on acceptance list provided and approved by email recipients or subscribers. One ordinary skill in the art would so because this provides and inherently powerful and effective spam control solution.

As per claim 2, Cobb teaches the method of claim 1, wherein each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records further includes an action

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identifier field to store and action identifier (fig. 6, 301, col. 10, lines 2-11 and col. 13, lines 40-56).

As per claim 3, Cobb teaches the method of claim 1, wherein each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records further includes a message field to store a message (fig. 6, 301, col. 10, lines 2-11 and col. 13, lines 40-56).

As per claim 4, Cobb teaches the method of claim 3, wherein blocking delivery of the first electronic communication to the first electronic recipient address includes sending an electronic communication to the first electronic communication source address, the electronic communication to the first electronic communication source address including at least in part a message stored in the message field of the selected first user electronic communication blocking record (see legal message field in fig. 6, col. 10, lines 2-11 and col. 13, lines 40-56).

As per claim 5, Cobb teaches the method of claim 3, wherein each user electronic communication blocking record of at

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least a subset of the plurality of user electronic communication blocking records further includes an action identifier field to store an action identifier (challenge prompt action identifier field col. 8, lines 42-56).

As per claim 6, Cobb teaches the method of claim 1, wherein the electronic communication is an electronic mail message (see fig. 2).

As per claim 8, Cobb teaches the method of claim 1, wherein blocking delivery of the first electronic communication to the first electronic recipient address includes deleting the first electronic communication (col. 10, lines 24-26 and col. Lines 15, 63-65).

As per claim 9, Cobb teaches the method of claim 1, wherein blocking delivery of the first electronic communication includes indicating that the first electronic communication cannot be accepted (col. 10, lines 31-55 and col. 16, lines 55-66).

As per claim 10, Cobb teaches the receiving emails destined to plurality of users and blocking delivery of the e-mails



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message if the sender includes in blocking list 115 as reported by the intended user col. 8, lines 14-38 and col. 16, lines 31-66). See the rejection of claim 1 above.

As per claim 11, this claim has similar limitations as explained in claim 1 above. Cobb further teaches a method for blocking delivery of one or more electronic mail ("e-mail") messages transmitted under the Simple Mail Transfer Protocol ("SMTP") (col. 6, lines 12-16 and fig. 2).

As per claim 12, Cobb teaches the method of claim 11, further comprising establishing an SMTP transmission channel with a sender SMTP, the SMTP transmission channel communicating the at least a portion of the first e-mail message (fig. 2 and col. 6, lines 13-30 and col. 7, lines 53-56).

As per claim 13, Cobb teaches the method of claim 12, wherein receiving the at least a portion of the first e-mail message includes receiving the first e-mail sender address as part of an SMTP MAIL command and the first e-mail recipient address as part of an SMTP RCPT command (SMTP mail commands are an inherent feature of SMTP

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protocol as described in RFC 821. See Fig.2 and fig. 7 and corresponding columns of Cobb).

As per claim 14, Cobb teaches the method of claim 13, wherein blocking delivery of the first e-mail message to the first e-mail recipient address based at least in part on the selected first user e-mail blocking record includes sending a failure message to the SMTP receiver in response to the SMTP RCPT command, wherein the failure message is an indication that the transmission of the e-mail message has permanently failed (col. 17, lines 46 to col. 18, line 4).

As per claim 15, Cobb teaches the method of claim 14, wherein the failure message includes at least in part a message from the selected first user e-mail blocking record (col. 17, lines 46 to col. 18, line 4).

As per claim 16, Cobb teaches the method of claim 14, wherein the failure message indicates that e-mail cannot be delivered to the first e-mail recipient address (col. 10, lines 29-34 and col. 13, lines 49-56).

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As per claim 17, Cobb teaches the method of claim 11, wherein receiving at least a portion of a first e-mail message includes receiving at least the first e-mail message subsequent to receiving an SMTP DATA command (col. 12, lines 62 to col. 13, line 20).

As per claim 18, Cobb teaches the method of claim 17, wherein blocking delivery of the first e-mail message to the first e-mail recipient address based at least in part on the selected first user e-mail blocking record includes sending an e-mail blocked message to the first e-mail sender address (col. 10, lines 29-34; col. 13, lines 49-56 and col. 17, lines 46 to col. 18, line 4).

As per claim 19, Cobb teaches the method of claim 17, wherein blocking delivery of the first e-mail message to the first e-mail recipient address based at least in part on the selected first user e-mail blocking record includes deleting the first e-mail message (col. 10, lines 24-26 and col. Lines 15, 63-65).

As per claim 20, this claim has similar limitations as claim 10 above. See the rejection of claim 10.

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As per claims 21, 28 and 35, these claims have similar limitations as explained in claim 1 and 11 above. Cobb further teaches the system comprising:

- a network port (port connected to link 3, fig. 3);
- a processor coupled to the network port (processor 104); and
- a memory coupled to the processor, the memory storing a plurality of instructions to be executed by the processor (col. 7, 2-34. See fig. 4 and 7

As per claim 22, 29, 36 and 41, Cobb teaches the invention, wherein each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records further includes an action identifier field to store and action identifier (fig. 6, 301, col. 10, lines 2-11 and col. 13, lines 40-56).

As per claim 23, 30, 37 and 42, Cobb teaches the invention, wherein each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records further includes a message field to store a message (fig. 6, 301, col. 10, lines 2-11 and col. 13, lines 40-56).

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As per claim 24, 31, 38 and 42, Cobb teaches the invention, wherein blocking delivery of the electronic communication to the electronic recipient address includes sending an electronic communication to the electronic communication source address, the electronic communication to the electronic communication source address including at least in part a message stored in the message field of the selected user electronic communication blocking record (see legal message field in fig. 6, col. 10, lines 2-11 and col. 13, lines 40-56).

As per claim 25, 32 and 39, Cobb teaches the invention, wherein each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records further includes an action identifier field to store an action identifier (challenge prompt action identifier field col. 8, lines 42-56).

As per claim 26, 33, 40 and 44 Cobb teaches the method of claim 21, wherein the electronic communication is an electronic mail message (see fig. 2).

As per claim 27 and 45, Cobb teaches the invention, wherein blocking delivery of the electronic communication to the

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electronic recipient address includes deleting the electronic communication (col. 10, lines 24-26 and col. Lines 15, 63-65).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cobb (U.S. Patent No 6199102) in view of Katsikas USPN. (6199102) and further in view of Ralston et al (U.S. Patent No. 6842773).

As per claim 7, although Cobb shows substantial features of the claimed invention as explained in claim 1 above, he does not explicitly show where the electronic communication is an instant message.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Cobb, as evidenced by Ralston et al USPN. (6842773).

In analogous art, Ralston et al whose invention is a system for blocking electronic text communication distributed in bulk, disclose filtering and blocking instant message communications distributed in bulk (Col. 6, lines 10-17 and col. 21, lines 24-35). Giving the teaching of Ralston et al, a person of ordinary skill in the art at the time of

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the invention would have readily recognized the desirability and the advantage of modifying Cobb by employing the system of Ralston in order to process text communication messages such chat room comments, instant messages, newsgroup postings, electronic forum postings, message board postings and classified advertisement for fingerprints to allow determining duplicate submissions (Col. 6, lines 10-17).

#### Conclusion

3. **ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained form the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished




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YB

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